United States Environmental Protection Agency
Region 10
1200 Sixth Avenue Suite 155
Seattle, Washington 98101-3140

Authorization to Discharge under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

US Army Corps of Engineers John Day Project
Exit 88, Interstate 84
Rufus, Oregon 97050

is authorized to discharge from the US Army Corps of Engineers John Day Project located in Rufus, Oregon, at the following location(s):

Outfall	Receiving Water	Latitude	Longitude
018	Columbia River	45° 42' 53" N	120° 41' 34" W
019	Columbia River	45° 42' 53" N	120° 41' 35" W
020	Columbia River	45° 42' 7" N	120° 41' 47" W
021	Columbia River	45° 43' 7" N	120° 41' 47" W
023	Columbia River	45° 42' 57" N	120° 41' 38" W
026	Columbia River	45° 43' 6" N	120° 41' 48" W
027	Columbia River	45° 43' 7" N	120° 41' 47" W
028	Columbia River	45° 43' 4" N	120° 41' 55" W
029	Columbia River	45° 43' 6" N	120° 41' 58" W
043	Columbia River	45° 42' 53" N	120° 41' 35" W

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective ***insert date***

This permit and the authorization to discharge shall expire at midnight, ***insert date***

The permittee shall reapply for a permit reissuance on or before ***insert date***, 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this day of

_____

Draft Permit – Does Not Authorize Discharge

Daniel D. Opalski, Director
Office of Water and Watersheds

Draft Permit – Does Not Authorize Discharge

Schedule of Submissions

The following is a summary of some of the items the permittee must complete and/or submit to EPA during the term of this permit:

Item	Due Date
1. Discharge Monitoring Reports (DMR)	DMRs are due monthly and must be postmarked on or before the 20th day of the month.
2. Quality Assurance Plan (QAP)	The permittee must provide EPA and Washington Department of Ecology (Ecology) with written notification that the Plan has been developed and implemented within 180 days after the effective date of the final permit (see II.A.). The Plan must be kept on site and made available to EPA and Ecology upon request.
3. Best Management Practices (BMP) Plan	The permittee must provide EPA and Ecology with written notification that the Plan has been developed or updated, and implemented within 180 days after the effective date of the final permit (see II.B.). The Plan must be kept on site and made available to EPA and Ecology upon request.
4. Annual BMP Plan Review	The BMP Plan must be reviewed annually. A certified statement that the review has been completed must be submitted annually with the March DMR (see II.B.9).
5. Monitoring Records	Monitoring records must be retained for a period of at least five years (see III.F.).
6. Twenty-Four Hour Notice of Noncompliance Reporting	The permittee must report certain occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances (see III.G.).
7. NPDES Application Renewal	The application must be submitted at least 180 days before the expiration date of the permit (see V.B.).

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I. Limitations and Monitoring Requirements

A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to the Columbia River, within the limits and subject to the conditions set forth herein. This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

B. Effluent Limitations and Monitoring

1. The Permittee must not discharge hazardous material in concentrations that pose a threat to public health or impair the beneficial uses of the receiving water.
2. The Permittee must not discharge toxic substances in concentrations that impair the designated beneficial uses of the receiving water.
3. The Permittee must not discharge deleterious materials in concentrations that impair the beneficial uses of the receiving water.
4. The Permittee must not discharge floating, suspended or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair the beneficial uses of the receiving water. There shall be no foam other than in trace amounts or visible oil sheen.
5. The Permittee must not discharge excess nutrients that can cause visible slime growth or other nuisance aquatic growths impairing beneficial uses of the receiving water.
6. The Permittee must not discharge polychlorinated biphenyl (PCB) compounds such as those commonly used for transformer fluid.
7. Solid materials shall be removed from the trash racks or intake screens and disposed of in accordance with the procedures developed in Appendix B.9 of this Permit.
8. The permittee must limit and monitor discharges from all outfalls as specified in Tables 1, 2, 3 and 4 below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.
9. Monitoring for each outfall is to be conducted and reported in accordance with Part V.

Table 1. Effluent Limitations and Monitoring Requirements for Outfalls 018, 019, and 43: Main Units 15 and 16 Non-Contact Cooling Water, Powerhouse HVAC Cooling Water

Parameter	Units	Effluent Limitations	Monitoring Requirements		
		Average Monthly	Sample Location	Sample Frequency	Sample Type
Parameters With Effluent Limits					
pH	std units	Between 6.5 – 8.5	Effluent	1/month	Grab
Oil and grease	mg/L	15	Effluent	1/month	Grab
Report Parameters					
Flow	mgd	Report	Effluent	1/month	Measurement
Temperature	7DADM°C[1]	Report	Effluent	Continuous[2, 3]	Measurement/ Calculation
Floating, Suspended, or Submerged Matter	--	See Paragraph I.B.12.b of this permit.			Visual Observation

Notes

1. 7-day average daily maximum. This is a rolling 7-day average calculated by taking the average of the daily maximum temperatures.
2. Temperature data must be recorded using a micro-recording device known as thermistors. Set the device to record at one-hour intervals. Report the following temperature monitoring data on the DMR: monthly instantaneous maximum, maximum daily average, seven-day running average of the daily instantaneous maximum.
3. Use the temperature device manufacturer's software to generate (export) an Excel text or electronic ASCII text file. The file must be submitted annually to the EPA and Ecology by January 31 for the previous monitoring year along with the placement log. The placement logs should include the following information for both thermistor deployment and retrieval: date, time, temperature device manufacturer ID, location, depth, whether it measured air or water temperature, and any other details that may explain data anomalies.

Table 2. Effluent Limitation and Monitoring Requirements for Outfalls 020, 021 023, 026, 027, 028, and 029: Sumps, pumps, and navigation lock pumps

Parameter	Units	Effluent Limitations	Monitoring Requirements		
		Average Monthly	Sample Location	Sample Frequency	Sample Type
Parameters With Effluent Limits					
pH	std units	Between 6.5 – 8.5	Effluent	1/month	Grab
Oil and grease	mg/L	15	Effluent	1/month	Grab
Report Parameters					
Flow	mgd	Report	Effluent	1/month	Measurement
Total Suspended Solids	mg/L	Report	Effluent	1/month	Measurement
Floating, Suspended, or Submerged Matter	--	See Paragraph I.B.12.b of this permit.			Visual Observation

10. Flood/high water discharges shall comply with the requirements in Appendix B.11.
11. Violations of all effluent limits are to be reported at the time that discharge monitoring reports are submitted (See III.B. and III.H.).
12. Narrative limitations for floating, suspended or submerged matter:
    a) The permittee must not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses.
    b) The permittee must observe the surface of the receiving water in the vicinity of where the effluent enters the surface water. The permittee must maintain a written log of the observation which includes the date, time, observer, and whether there is presence of floating, suspended or submerged matter. The log must be retained and made available to EPA or insert state or tribe upon request.
13. The pH must not be less than 6.5 standard units (s.u.) nor greater than 8.5 standard units (s.u.).
14. The permittee must collect effluent samples from the effluent stream after the last treatment unit prior to discharge into the receiving waters.

15. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods which meet the following:
    a) Parameters with an effluent limit. The method must achieve a minimum level (ML) less than the effluent limitation unless otherwise specified in Tables 1 and 2.
    b) Parameters that do not have effluent limitations.
        (i) The permittee must use a method that detects and quantifies the level of the pollutant, or
        (ii) The permittee must use a method that can achieve a maximum ML less than or equal to those specified in Appendix A;
    c) For parameters that do not have an effluent limit, the permittee may request different MLs. The request must be in writing and must be approved by EPA.
    d) See also Part III.C. (Monitoring Procedures).
16. For purposes of reporting on the DMR for a single sample, if a value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if a value is less than the ML, the permittee must report "less than {numeric value of the ML}."
17. For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than {numeric value of the MDL}" and if the average value is less than the ML, the permittee must report "less than {numeric value of the ML}." If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, the ML, in assessing compliance.
18. For those instances when there is no discharge from an outfall, the No Data Indicator Code (NODI) of C is to be reported on the DMR.
19. The permit conditions require that all permittees with discharges into Washington waters shall comply with the following conditions which are included as state certification requirements [*insert any specific state certification requirements.]*

II. Special Conditions

A. Quality Assurance Plan (QAP)

The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit. Any existing QAPs may be modified for compliance with this section.

Within 180 days of the effective date of this permit, the permittee must submit written notice to EPA and Ecology that the QAP has been developed and implemented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows:

YYYY_MM_DD_WA0026832_QAP_55099, where YYYY_MM_DD is the date that the permittee submits the written notification. The plan must be retained on site and made available to EPA and/or Ecology upon request.

1. The QAP must be designed to assist in planning for the collection and analysis of effluent in support of the permit and in explaining data anomalies when they occur.
2. Throughout all sample collection and analysis activities, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *EPA Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). Copies of these documents can be found at http://www.epa.gov/quality/qs-docs/r5-final.pdf and http://www.epa.gov/quality/qs-docs/g5-final.pdf. The QAP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAP must include the following:
   a) Details on the number of samples, detailed sampling location, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
   b) Map(s) indicating the location of each sampling point.
   c) Qualification and training of all personnel involved with water quality sampling.
   d) Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field transfer blanks (sample blanks).
   e) Name(s), address(es) and telephone number(s) of the laboratories used by or proposed to be used by the permittee.
4. The permittee must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
5. Copies of the QAP must be kept on site and made available to EPA and/or Ecology upon request.

B. Best Management Practices Plan

The Permittee shall develop and implement a best management practices (BMP) plan which incorporates practices that achieve the objectives and specific requirements listed below and those specified in Appendix B. The Permittee must operate the hydroelectric facility in accordance with this BMP Plan and with subsequent amendments to the Plan. The BMP plan shall be prepared in accordance with good engineering practices.

1. The BMP Plan must be consistent with the objectives listed in the general guidance contained in the publication entitled *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA-833-93-004, 1993) and any subsequent revisions to this guidance document.

2. Deadlines for BMP Plan Preparation and Compliance
   a) The BMP plan for this facility shall be prepared, and except as provided elsewhere in this permit, shall provide for compliance with the terms of the permit and the BMP plan, no later than within 180 days from the effective date of the permit.
   b) Upon a showing of good cause, the Director may establish, in writing, a later date for preparing and compliance with a BMP plan.
   c) The permittee must submit written notice to EPA and Ecology that the Plan has been developed and implemented within 180 days of the effective date of the permit. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026832_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the written notification.
   d) The plan must be retained on site and made available to EPA and/or Ecology upon request. The permittee must implement the provisions of the plan as conditions of this permit within 180 days of the effective date of this permit.

3. Signature and BMP Plan Review
   a) The BMP plan shall be signed in accordance with Part V.E. ("Signatory Requirement") and be retained onsite at the facility in accordance with Part III.F. ("Retention of Records").
   b) The Permittee shall make the BMP plan available upon request to the Director, or an authorized representative.
   c) The Director, or an authorized representative, may notify the Permittee at any time that the BMP plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the BMP plan, and identify which provisions of the BMP plan require modifications in order to meet the minimum requirements of this Part. Within 30 days of such notification from the Director, (or as otherwise provided by the Director), or an authorized representative, the Permittee shall make the required changes to the BMP plan and shall submit to the Director a written certification that the requested changes have been made.

4. Keeping BMP Plans Current
   The Permittee shall amend the BMP plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States or if the

BMP plan proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objectives of controlling pollutants in the internal facility drainage water discharges. Amendments to the BMP plan may be reviewed as described above in Part II.B.2(b). Any changes to the BMP Plan must be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan must be reported to EPA with the annual certification required under Part II.B.8(b). below.

5. Reporting of BMP incidents. Prepare a written report to EPA and Ecology, due within seven (7) days after the incident has been successfully addressed, describes the circumstances leading to the incident, corrective actions taken, and recommended changes to operation and maintenance practices and procedures to prevent incident recurrence.

6. The permittee must maintain a copy of the BMP Plan on-site at the facility and make it available to EPA or an authorized representative upon request.

7. The BMP Plan must be reviewed annually as follows:
   a) The Permittee must review the BMP annually to ensure that the BMP Plan fulfills the requirements set forth in this permit.
   b) The Permittee must provide written notification that the annual review has been completed. The notification must be submitted on March 20th after the initial notification of completion of the BMP Plan. The notification must be signed in accordance with Part V.E. ("Signatory Requirement").
   c) The Permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026832_BMP_05899, where YYYY_MM_DD is the date that the permittee submits the written notification.

8. Annual Report
   The Permittee must prepare an Annual Report documenting implementation of the BMP plan and actions taken. See also Appendix B.

C. Minimize the Impact of Entrainment and Impingement of Cooling Water Intake Structure

1. The permittee must comply with the requirements of Part II.C.2, below, if the facility withdraws water from surface source waters for use, in full or in part, as cooling water.
2. Facilities withdrawing water for cooling water, must implement the following Best Technology Available (BTA) requirements to minimize the adverse environmental effects of the cooling water intake structure (CWIS) within 180 days of the effective date of the permit:

Commented [WJ1]: Language in this section will likely be modified. For outfalls that do not meet Rule criteria (>2MGD intake + >25% of water withdrawn used for cooling criteria), these provisions may apply. For outfalls that meet the Rule criteria, they must meet 1 of 7 requirements to minimize entrainment and impingement. These are likely to be met through existing BiOp requirements.

a) Manage the intake operations to minimize injury to resident fish and other aquatic species in the river.
b) Employ best management practices to limit fish access to draft tube areas to minimize injury to fish and other aquatic species.
c) Cease or reduce the intake of cooling water whenever withdrawal of source water is not necessary, i.e. during equipment testing or maintenance activities.
d) Return all observed live impinged fish to the source water to the extent practicable in a manner that maximizes their chance of survival.
e) Do not spray impinged fish or invertebrates with chlorinated water.
f) The permittee must design an impingement and entrainment monitoring program for the facility to identify what species are impinged or entrained. The monitoring is to be conducted at least weekly. The data collected must be recorded in writing and include the date, time, presence or absence of impinged and entrained organisms. If impingement and or entrainment is observed, the following information shall be included for each episode, if available: duration of the event, number, species and length of impinged/entrained fish, condition of fish (dead or alive), actions taken (e.g. fish returned to river, fish collected, cooling water intake flow reduced, etc.).
g) Retain the results of this monitoring program on-site for inspection and for submission to EPA as required in Part V.G. ("Inspection and Entry").
h) Maintain a physical screening or exclusion technology that is consistent with the objectives of National Marine Fisheries Service guidelines found in National Marine Fisheries Service in NMFS Northwest Region's Anadromous Salmonid Passage Facility Design, Chapter 11: Fish Screen and Bypass Facilities.
i) The Permittee must, at all times, properly operate and maintain the CWIS including any existing technologies used to minimize impingement and entrainment.

3. The Permittee must prepare an information report for the CWIS and submit it to U.S. EPA Region 10 by 180 days prior to permit expiration. The report must include the following information:
   a) The design capacity of the CWIS, in million gallons per day (MGD);
   b) A narrative description of each cooling water intake structures and its location in the waterbody and in the water column;
   c) A narrative description of the operation of each cooling water intake structure, including daily hours of operation, number of days of the year in operation and seasonal changes, if applicable;
   d) If the combined design capacity of all CWISs is greater than 1.0 MGD, the measures to be taken by the facility to maintain a daily maximum surface water withdrawal of 1.0 MGD;

e) The maximum monthly average intake of the CWIS during the previous five years, in MGD, and the month in which this flow occurred;
f) Whether the facility withdraws cooling water at a rate commensurate with a closed-cycle cooling system.
g) The maximum through-screen design intake velocity in feet per second (fps);
h) The water body type of the source water (freshwater river or stream; lake or reservoir);
i) The source water's annual mean flow if the CWIS is located on a freshwater river or stream, in cubic feet per second (cfs) as available from USGS or another appropriate source;
j) The design intake flow as a percent of the source water's annual mean flow if the CWIS is located on a freshwater river or stream;
k) The source water's 7Q10 if the CWIS is located on a freshwater river or stream, in MGD.
l) The design intake flow as a percent of the source water's 7Q10 if the CWIS is located on a freshwater river or stream;
m) Detailed description of the screening and exclusion technology employed to prevent impingement and entrainment in the CWIS
n) A list of species (or relative taxa) for all life stages and their relative abundance in the vicinity of the cooling water intake structure.
o) A report of the prior five year results from the impingement and entrainment monitoring program called for above in Part II.C.2(f) above.

III. General Monitoring, Recording and Reporting Requirements

A. **Representative Sampling (Routine and Non-Routine Discharges)**

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.B. of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with Part III.C. ("Monitoring Procedures"). The permittee must report all additional monitoring in accordance with paragraph III.D. ("Additional Monitoring by Permittee").

B. **Reporting of Monitoring Results**

The permittee must submit monitoring data and other reports electronically using NetDMR.

1. Monitoring data must be submitted electronically to EPA no later than the 20th of the month following the completed reporting period.
2. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of Part V.E., of this permit Signatory Requirements.
3. The permittee must submit copies of the DMRs and other reports to Ecology.
4. Submittal of Reports as NetDMR Attachments. Unless otherwise specified in this permit, the permittee may submit all reports to EPA and Ecology as NetDMR attachments rather than as hard copies. The file name of the electronic attachment must be as follows: YYYY_MM_DD_WA0026832_Report Type Name_Identifying Code, where YYYY_MM_DD is the date that the permittee submits the attachment.
5. The permittee may use NetDMR after requesting and receiving permission from US EPA Region 10. NetDMR is accessed from: https://netdmr.epa.gov/netdmr/public/home.htm
6. The permittee is not required to monitor when the facility is not discharging. However, the DMR must indicate the facility is not discharging and must be submitted as described in Part III.B. The permittee must submit a monthly DMR even if a discharge has not occurred, unless permit coverage has been terminated in accordance with Part V.K. of this permit.

C. **Monitoring Procedures**

Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.

D. **Additional Monitoring by Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of the data submitted in the DMR.

Upon request by EPA, the permittee must submit results of any other sampling, regardless of the test method used.

E. **Records Contents**

Records of monitoring information must include:

1. the date, exact place, and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;

3. the date(s) analyses were performed;
4. the names of the individual(s) who performed the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses; and
7. the certification requirements as identified in Part V.E.4.

F. **Retention of Records**

The permittee must retain records of all monitoring information, including but not limited to, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or Ecology at any time.

G. **Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
   a) Any noncompliance that may endanger health or the environment;
   b) any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in the permit (See Part IV.G,. "Bypass of Treatment Facilities");
   c) any upset that results in or contributes to an exceedance of any effluent limitation in the permit (See Part IV.H., "Upset Conditions"); or
2. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
   a) a description of the noncompliance and its cause;
   b) the period of noncompliance, including exact dates and times;
   c) the estimated time noncompliance is expected to continue if it has not been corrected; and
   d) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
3. The Director of the Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

4. Reports must be submitted to the addresses in Part III.B. ("Reporting of Monitoring Results").

H. **Other Noncompliance Reporting**

The permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Part III.B. ("Reporting of Monitoring Results") are submitted. The reports must contain the information listed in Part III.G. of this permit ("Twenty-four Hour Notice of Noncompliance Reporting").

I. **Changes in Discharge of Toxic Pollutants**

The permittee must notify the Director of the Office of Water and Watersheds and Ecology as soon as it knows, or has reason to believe:

1. That any activity has occurred or will occur that would result in the discharge, on a **routine or frequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
   a) One hundred micrograms per liter (100 ug/l);
   b) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
   c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
   d) The level established by EPA in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur that would result in any discharge, on a **non-routine or infrequent** basis, of any toxic pollutant that is not limited in the permit, if that discharge may reasonably be expected to exceed the highest of the following "notification levels":
   a) Five hundred micrograms per liter (500 ug/l);
   b) One milligram per liter (1 mg/l) for antimony;
   c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
   d) The level established by EPA in accordance with 40 CFR 122.44(f).
3. The permittee must submit the notification to Office of Water and Watersheds at the following address:

   US EPA Region 10
   Attn: NPDES Permits Unit Manager
   1200 Sixth Avenue
   Suite 155, OWW-191
   Seattle, Washington 98101-3140

Washington Department of Ecology
Attn. 401 Program Coordinator
???
Lacey, Washington

Commented [WJ2]: Get address

4. [*All spills of hazardous material, deleterious material, or or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriated DEQ regional office in Table below during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Response Center.*

Commented [WJ3]: 401 cert condition from Idaho - Insert something similar for Washington?

For immediate assistance: Call 911

National Response Center: (800) 424-8802

Idaho State Communications Center: (800)

Idaho DEQ Regional Contacts

Regional Office	*Toll Free Phone Number*	*Phone Number*
Boise	*888-800-3480*	*208-373-0550*
Coeur d'Alene	*877-370-0017*	*208-769-1422*
Idaho Falls	*800-232-4635*	*208-528-2650*
Lewiston	*877-541-3304*	*208-799-4370*
Pocatello	*888-655-6160*	*208-236-6160*
Twin Falls	*800-2701663*	*208-736-2190*

IV. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. Civil and Administrative Penalties. Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program

approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $53,484 per day for each violation).

2. Administrative Penalties. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $21,393 per violation, with the maximum amount of any Class I penalty assessed not to exceed $53,484). Pursuant to 40 CFR 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $21,393 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $267,415).

3. Criminal Penalties:

   a) Negligent Violations. The Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

   b) Knowing Violations. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

   c) Knowing Endangerment. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon

conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

d) False Statements. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

C. **Need To Halt or Reduce Activity not a Defense**

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

D. **Duty to Mitigate**

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. **Proper Operation and Maintenance**

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. **Removed Substances**

All collected screenings, grit, solids, sludge, filter backwash water, and/or other pollutants removed in the course of treatment or control of wastewaters must be disposed of in a manner such as to prevent such pollutants from entering the waters of the United States.

G. **Bypass of Treatment Facilities**

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this Part.
2. Notice.
   a) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it must submit prior written notice, if possible at least 10 days before the date of the bypass.
   b) Unanticipated bypass. The permittee must submit notice of an unanticipated bypass as required under Part III.G ("Twenty-four Hour Notice of Noncompliance Reporting").
3. Prohibition of bypass.
   a) Bypass is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the permittee for a bypass, unless:
      (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
      (3) The permittee submitted notices as required under paragraph 2 of this Part.
   b) The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3(a) of this Part.

H. **Upset Conditions**

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the permittee meets the requirements of paragraph 2 of this Part. No determination made during administrative review of claims that noncompliance

was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   a) An upset occurred and that the permittee can identify the cause(s) of the upset;
   b) The permitted facility was at the time being properly operated;
   c) The permittee submitted notice of the upset as required under Part III.G, "Twenty-four Hour Notice of Noncompliance Reporting;" and
   d) The permittee complied with any remedial measures required under Part IV.D, "Duty to Mitigate."
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. **Toxic Pollutants**

The permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Act within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. **Planned Changes**

The permittee must give written notice to the Director of the Office of Water and Watersheds as specified in Part III.I.3. and Ecology as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Part III.I ("Changes in Discharge of Toxic Substances").

K. **Anticipated Noncompliance**

The permittee must give written advance notice to the Director of the Office of Compliance and Enforcement and Ecology of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

V. General Provisions

A. **Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.64, or 124.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. **Duty to Reapply**

If the permittee intends to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. In accordance with 40 CFR 122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Regional Administrator, the permittee must submit a new application at least 180 days before the expiration date of this permit.

C. **Duty to Provide Information**

The permittee must furnish to EPA and Ecology, within the time specified in the request, any information that EPA or Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to EPA or Ecology, upon request, copies of records required to be kept by this permit.

D. **Other Information**

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to EPA or Ecology, it must promptly submit the omitted facts or corrected information in writing.

E. **Signatory Requirements**

All applications, reports or information submitted to EPA and Ecology must be signed and certified as follows.

1. All permit applications must be signed as follows:
   a) For a corporation: by a responsible corporate officer.
   b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
   c) For a municipality, state, federal, Indian tribe, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by EPA or Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a) The authorization is made in writing by a person described above;

b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and

c) The written authorization is submitted to the Director of the Office of Compliance and Enforcement and Ecology.

3. Changes to authorization. If an authorization under Part V.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.E.2. must be submitted to the Director of the Office of Compliance and Enforcement and Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this Part must make the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

F. **Availability of Reports**

In accordance with 40 CFR 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the permittee. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

G. **Inspection and Entry**

The permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; Ecology; or an authorized representative (including an authorized

contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

H. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the CWA or Section 106 of CERCLA.

I. **Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of federal, tribal, state or local laws or regulations.

J. **Notice of Termination of Discharge**

The Permittee must notify the EPA and the Ecology regional office within 30 days of discharge termination. The notification must be in writing, and include the date of discharge termination, and signed in accordance with the signatory requirements of Part V.E. of this general permit. The Permittee is required to submit discharge monitoring reports (DMRs) until the effective date of Permit termination.

1. Requests to terminate coverage under this permit must be made in writing and submitted to EPA at the following address:

United States Environmental Protection Agency, Region 10
Unit Manager, NPDES Permits Unit
1200 Sixth Avenue, Suite 155 OWW-191
Seattle, WA 98101

2. Coverage under this permit may be terminated in accordance with 40 CFR 122.64 if EPA determines in writing that the entire discharge is permanently terminated either by elimination of the flow. Termination of coverage will become effective 30 days after the written determination is sent to the Permittee by EPA, unless the Permittee objects within that time.

K. **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

VI. Definitions

1. "Act" means the Clean Water Act.
2. "Administrator" means the Administrator of the EPA, or an authorized representative.
3. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
4. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Composite" -- see "24-hour composite".
7. "Composite sample" means a flow-proportioned mixture of not less than four discrete representative samples collected within the same 24 hours.
8. "Conventional pollutant" means BOD, TSS, bacteria, oil and grease, and pH as defined in 40 CFR 401.16.
9. "Continuous discharge" means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities [40 CFR 122.2].
10. "CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR 122.2].

11. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
12. "Designated Use" means those beneficial uses assigned to identified waters in Washington Department of Ecology, WAC 172-201A, "Water Quality Standards for Surface Waters of the State of Washington," Sections 200 through 210, whether or not the uses are being attained.
13. "The Director" means the Regional Administrator of EPA Region 10, or the Director of the EPA Region 10 Office of Water and Watersheds, the Washington Department of Ecology, or an authorized representative thereof.
14. "Director of the Office of Compliance and Enforcement" means the Director of the Office of Compliance and Enforcement, EPA Region 10, or an authorized representative.
15. "Director of the Office of Water and Watersheds" means the Director of the Office of Water and Watersheds, EPA Region 10, or an authorized representative.
16. "Discharge" when used without qualification meant the "discharge of a pollutant."
17. "Discharge Monitoring Report (DMR)" means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by Permittees [40 CFR 122.2].
18. "Discharge of a pollutant" means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger" [40 CFR 122.2].
19. "Draft permit" means a document prepared under 40 CFR 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit" [40 CFR 122.2].
20. "Effluent limitation" means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean [40 CFR 122.2].

21. "Effluent limitations guidelines (ELG)" means a regulation published by the Administrator under section 304(b) of CWA to adopt or revise "effluent limitations' [40 CFR 122.2].
22. "Environmentally Acceptable Lubricants" means lubricants that are "biodegradable" and "minimally-toxic," and are "not bioaccumulative" as defined in this permit. For purposes of this permit, products meeting this permit's definitions of being an "Environmentally Acceptable Lubricant" include those labeled by the following labeling programs: Blue Angel, European Ecolabel, Nordic Swan, the Swedish Standards SS 155434 and 155470, and EPA's Design for the Environment (DfE).
23. "EPA" means the United States Environmental Protection Agency.
24. "Excluded waters," or prohibited waters, means water bodies not authorized as receiving waters to be covered under this general NPDES permit.
25. "Facility" means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
26. "Geometric Mean" means the n^{th} root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
27. "Grab" sample is an individual sample collected over a period of time not exceeding 15 minutes.
28. "Hazardous Material" *means a material or combination or materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment [IDAPA 58.01.02.010.46]. It is defined at 40 CFR 122.2 to mean any substance designated under 40 CFR 116, pursuant to Section 311 of the CWA.*

Commented [WJ4]: Change to Washington definition.

29. "Indian Country" as indicated by 18 U.S.C. § 1151 means: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and, (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.
30. "Indian Tribe" means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation [40 CFR 122.2].
31. "Influent" means the water from upstream that enters into the facility.
32. "Maximum" means the highest measured discharge or pollutant in a waste stream during the time period of interest.

33. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
34. "Method Detection Limit (MDL)" means the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results.
35. "Minimum Level (ML)" means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.
36. "Monthly Average Limit" means the average of "daily discharges" over a monitoring month, calculated as the sum of all "daily discharges" measured during a monitoring month divided by the number of "daily discharges" measured during that month [40 CFR 122.2].
37. "NPDES" means National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits . . . under sections 307, 402, 318, and 405 of the CWA.
38. "Nonconventional Pollutants" means all pollutants that are not included in the list of conventional or toxic pollutants in 40 CFR 401. This includes pollutants such as chlorine, ammonia, COD, nitrogen and phosphorous.
39. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water [40 CFR 122.2].
40. "QA/QC" means quality assurance/quality control.
41. "Services" means the United States Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration- National Marine Fisheries Service (NOAA Fisheries).
42. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
43. "Technology-based effluent limitation (TBEL)" means treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. EPA is required to promulgate technology-based limitations and standards that reflect pollutant reductions that can be achieved by categories, or

subcategories of industrial point sources using specific technologies that EPA identifies as meeting the statutorily prescribed level of control under the authority of CWA Sections 301, 304, 306, 307, 308, 402, and 501 [33 U.S.C. § 1311, 1314,1316,1318,1342, and 1361].

44. "Total Maximum Daily Load (TMDL)" means the sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for non-point sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality [IDAPA 58.012.02.010.100].

45. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

46. "Waters of the United States or waters of the U.S." means:

    a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

    b) All interstate waters, including interstate "wetlands;"

    c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

        (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

        (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

        (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;

    d) All impoundments of waters otherwise defined as waters of the United States under this definition;

    e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

    f) The territorial sea; and

    g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition [40 CFR 122.2].

47. "Whole Effluent Toxicity (WET)" means the *)* means the aggregate toxic effect of an effluent measured directly by a toxicity test [40 CFR 122.2].

Appendix A
Minimum Levels

The Table below lists the maximum Minimum Level (ML) for pollutants that may have monitoring requirements in the permit. The permittee may request different MLs. The request must be in writing and must be approved by EPA. If the Permittee is unable to obtain the required ML in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection limit (MDL) and a ML to EPA with appropriate laboratory documentation.

CONVENTIONAL PARAMETERS

Pollutant & CAS No. (if available)	Minimum Level (ML) µg/L unless specified
Total Suspended Solids	
Temperature	0.2° C
Oil and Grease	5 mg/L
pH	N/A

Appendix B

BEST MANAGEMENT PRACTICES (BMP) PLAN

1. Pollution Prevention Team. The BMP plan shall identify a specific individual or individuals within the facility organization as members of the Pollution Prevention Team who are responsible for developing the BMP plan and for assisting the facility manager in the implementing, maintaining, and revising of this plan. The responsibilities of each team member must be listed. The activities and responsibilities of the Pollution Prevention Team shall address all aspects of the facility's BMP plan.

2. Minimization of Oil and Wastewater Discharges. The BMP Plan shall establish specific best management practices or other measures that minimize oil, grease, and hydraulic fluids from all sources from entering the river, including at a minimum, the following:
    a) Maintain protective seals on all equipment with oil-to-water interfaces in good operating order to minimize the leaking of hydraulic oil or other oils
    b) Minimize lubricants for all facility equipment that come in contact with river water such as spill gate mechanisms, turbine gate mechanisms, etc.
    c) Select Environmentally Acceptable Lubricant (EAL) for all oil to water interfaces, unless technically infeasible. For purposes of requirements related to EALs, technically infeasible means that no EAL products are approved for use in a given application that meet manufacturer specifications for that equipment; products which come pre-lubricated (e.g., wire ropes) and have no available alternatives manufactured with EALs; or products meeting a manufacturer's specifications are not available.
    d) Use any available product testing data to give preference for lubricants, paint and caulk free of PCBs.
    e) Use preventative maintenance and cleaning programs for turbine and wicket gate parts.
    f) Regularly inspect fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc to prevent drips or leaks.
    g) Use proper operation of the oil/water separators through inspections at appropriate intervals, regularly scheduled maintenance, and by review of sampling data.

3. Oil Accountability and Tracking. The BMP Plan will describe the quantity and type of all oil products used on-site and how they are monitored and tracked. Records are to be kept on-site and available for inspection by EPA or Ecology. Oil gauges should be used that provide appropriate level of markings to ensure operators and maintenance personnel can easily identify an unusual condition.

4. Pollutants in Drainage Systems. The Permittee shall include a plan for the pollutants in

drainage systems that include implementing internal facility drainage water management controls appropriate for the facility. The appropriateness and priorities of controls in a BMP plan shall reflect identified potential sources of pollutants at the facility. The description of internal facility drainage water management controls shall address the following minimum components, including a schedule for implementing such controls.

a. A description of potential sources which may reasonably be expected to add significant amounts of pollutants to internal facility drainage water discharges. Each BMP plan shall identify all facility-specific activities and significant materials which may be potentially significant pollutant sources.
b. A plot of the floor drainage of the facility's interior including sumps and oil/water separators and locations where major spills or leaks have occurred.
c. For internal facility drainage water discharges that could reasonably be expected to contain significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in the discharges. Factors to consider include the toxicity of pollutants; quantity of pollutants used; the likelihood of contact with internal facility drainage water discharges; and history of significant leaks or spills.
d. A preventive maintenanance program for internal facility drainage water management devices (e.g., cleaning oil/water separators, pits, sumps) that includes inspection and testing to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
e. Good housekeeping practices that require the maintenance of areas, which may contribute pollutants to internal facility drainage water discharges, to be clean and orderly.
f. Site specific spill prevention and response procedures in areas where potential spills, which can contribute pollutants to internal facility drainage water discharges, can occur and their accompanying drainage points shall be identified clearly in the BMP plan. When containment is impracticable, the procedures should outline site-specific contingency plans to prevent oil releases. Procedures and site-specific BMPs shall be developed and implemented to eliminate and/or minimize the opportunity for oil leakage to enter the drainage system at the facility. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment in the BMP plan should be considered. Procedures for cleaning up spills shall be identified in the BMP plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.
g. Inspections with qualified personnel for designated equipment and areas of the facility at appropriate intervals specified in the BMP plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.
h. Employee training programs to inform personnel responsible for implementing activities identified in the BMP plan or otherwise responsible for internal facility drainage water management, at all levels of responsibility, of the components and goals of the BMP plan.
i. Record-keeping and internal reporting procedures with a description of incidents

(such as spills, or other discharges), along with other information describing the quality and quantity of internal facility drainage water discharges shall be included in the BMP plan required under this Part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the BMP plan.

5. Inventory of Exposed Materials. The BMP plan shall include an inventory of the types of materials handled at the facility that potentially may be inadvertently spilled. Such inventory shall include a narrative description of significant materials that are or have been handled, treated, stored or disposed in a manner to allow exposure to internal facility drainage water between the time of three years before the active date of permit coverage and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with internal facility drainage water between the time of three years before the active date of permit coverage and the present; the location and description of existing structural and non-structural control measures to reduce pollutants in the internal facility drainage water discharges; and a description of any treatment these discharges receive.

6. Spills and Leaks. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred, during the three-year period prior to the active date of permit coverage, at areas that drain to an outfall associated with floor drains. Such a list shall be updated as appropriate during the term of the permit.

7. Sampling Data. A summary of existing discharge sampling data describing pollutants in internal facility drainage water discharges from the facility, including a summary of sampling data collected during the term of this permit.

8. Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; maintenance programs; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the facility and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.

9. Trash Racks or Intake Screens. The Permittee shall develop and implement procedures to remove solid materials from the trash racks or intake screens. The solid materials exclude naturally occurring materials such as leaves, branches, grass, and so forth. Provisions shall be included and implemented to provide disposal for the removed solid materials in accordance with the Idaho Solid Waste Management Rules at IDAPA 58.01.06, as appropriate. Inspections and maintenance of the trash racks and intake screens shall be scheduled and documented with the record-keeping included with the BMP plan and summarized in the Annual Report required under Part II.B.8. The Permittee shall amend the removal procedures whenever there is a change in the design, construction, operation, or maintenance which has a significant effect on the deposition of solid material on the trash racks or intake screens.

Commented [WJ5]: Make consistent with Washington

The trash removal activities are to be performed where it is reasonable and feasible at the facility. These trash removal procedures are to include appropriate safety practices because the Permittee is responsible for employee safety at the facility.

10. Backwash Strainer. For those facilities with a backwash strainer on the cooling water intake line, the Permittee shall develop and implement inspection and maintenance procedures at appropriate intervals specified in the BMP plan to insure proper operation of the backwash strainer. Qualified facility personnel shall be identified to inspect this equipment. Records of the inspections and maintenance shall be maintained and summarized in the Annual Report required under Part II.B.8.

Commented [WJ6]: Only include for facilities with a backwash strainer.

11. Flood/High Water Discharges. A permittee with flood/high water discharges shall also develop and implement specific flood/high water practices and procedures to eliminate pollutants from areas of the facility that would be inundated during flood/high water events and that would reasonably be expected to add significant amounts of pollutants to the identified flood/high water discharges at the facility. Areas of the facility inundated by flood or high waters should be maintained to prevent pollutants from entering the surrounding surface waters during flood or high water events.